

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE**

SPARK THERAPEUTICS, INC.,

Plaintiff,

v.

BLUEBIRD BIO, INC.,

Defendant.

C.A. No. 21-705-LPS

JURY TRIAL DEMANDED

**STIPULATION AND [PROPOSED] ORDER REGARDING
SCHEDULE FOR PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

WHEREAS, on August 6, 2021, Plaintiff Spark Therapeutics, Inc. filed a Motion for Preliminary Injunction (the "PI Motion") (D.I. 18);

WHEREAS, the parties have conferred regarding a schedule to address the PI Motion;

WHEREAS, the parties agree they will not seek expedited or other discovery for purposes of the briefing and hearing on the PI motion and further agree to stay all discovery until the Court issues its decision regarding the PI Motion, while reserving the right to jointly seek leave to lift the stay, or, if the parties cannot agree, to do so only for good cause shown due to unanticipated circumstances;

WHEREAS, the parties further agree that, if a testimonial hearing is held on the PI motion, absent agreement of the parties or a ruling of the Court based on a showing of good cause, the parties may only call as a witness at the hearing any person or expert whose declaration was submitted as part of the briefing on the PI motion, and the scope of such person's testimony will be limited to the general scope of their declaration;

WHEREAS, the parties agree that the passage of time represented by the jointly proposed

briefing schedule set forth below, and each party's agreement to it, will not be used to make arguments in opposition to or in support of the PI Motion, or otherwise used against a party in this action;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval and order of the Court, that the following schedule shall govern the PI Motion:

1. Defendant bluebird bio, Inc. shall file its answering brief in opposition to the PI Motion on or before September 23, 2021.

2. Plaintiff Spark Therapeutics, Inc. shall file its reply brief in support of the PI Motion on or before October 21, 2021.

3. The Court shall hold a testimonial/non-testimonial hearing on the PI Motion on _____, 2021.

Dated: August 19, 2021

/s/ Beth Moskow-Schnoll

Beth Moskow-Schnoll (No. 2900)
BALLARD SPAHR LLP
919 N. Market Street, 11th Floor
Wilmington, DE 19801-3034
Telephone: 302-252-4447
moskowb@ballardspahr.com

Robert R. Baron, Jr.
Thomas J. Gallagher, IV
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599
Telephone: 215-864-8335
Baron@ballardspahr.com

Susan A. Smith
BALLARD SPAHR LLP
1909 K Street, NW, 12th Floor
Washington, DC 20006-1157
Telephone: 202-0661-2247
SmithS@ballardspahr.com

Maxwell C. Preston
BALLARD SPAHR LLP
1675 Broadway, 19th Floor
New York, NY 10019-5820
Telephone: 646-346-8004
PrestonM@ballardspahr.com

Attorneys for Plaintiff Spark Therapeutics, Inc.

/s/ John G. Day

John G. Day (No. 2403)
Andrew C. Mayo (No. 5207)
ASHBY & GEDDES
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
jday@ashbygeddes.com
amayo@ashbygeddes.com

Brian T. Moriarty
Christopher K. Albert
John L. DuPre'
HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.
530 Virginia Road
Concord, MA 01742
Telephone: 978-341-0036
Brian.Moriarty@hbsr.com
Christopher.Albert@hbsr.com
John.DuPre@hbsr.com

Attorneys for Defendant bluebird bio, Inc.

SO ORDERED this ____ day of _____, 2021

The Honorable Leonard P. Stark
United States District Court Judge